

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 22-sc-02078 (KMM/LIB)

UNITED STATES OF AMERICA,)
AND STATE OF MINNESOTA)
ex rel. Kacie Dixon,)
)
Plaintiffs,)
)
v.)
)
Anderson Brothers Construction)
Company of Brainerd, LLC)
Defendants.)

FILED UNDER SEAL

**NOTICE OF ELECTION TO INTERVENE IN PART FOR THE PURPOSES OF
SETTLEMENT BY THE UNITED STATES OF AMERICA AND THE STATE OF
MINNESOTA AND REQUEST TO LIFT THE SEAL**

The United States, the State of Minnesota, Relator, and Defendant Anderson Brothers Construction Company of Brainerd, LLC (“Anderson Brothers”) have agreed to resolve this action. Specifically, the United States, Relator, and Anderson Brothers have entered into a Settlement Agreement and the State of Minnesota, Relator, and Anderson Brothers have agreed to a Consent Judgment and proposed order to be filed with the Court. Taken together, this Notice refers to the above referenced Settlement Agreement and Consent Judgment as the “Agreements.” Pursuant to the False Claims Act, 31 U.S.C. §§ 3730(b)(2) and (4) and the Minnesota False Claims Act, Minn. Stat. §§ 15C.06(a) and (b), the United States and the State of Minnesota hereby notify the Court of their decision to intervene, in part, for the purposes of settlement and to decline to intervene in part.

Specifically, the United States intervenes in that part of the action which constitutes the Covered Conduct as that term is defined in its Settlement Agreement with Anderson Brothers and the State of Minnesota intervenes in that part of the action which constitutes the Covered Conduct as that term is defined in its Consent Judgment. The United States and the State of Minnesota decline to intervene as to all other claims asserted in the above-captioned action.

Under the terms and conditions of the Agreements among the parties, the United States and Relator will promptly file a Joint Stipulation of Dismissal pursuant to Rule 41(a)(1) for all federal claims. The Joint Stipulation of Dismissal shall be with prejudice to Relator, with prejudice to the United States as to the Covered Conduct, and without prejudice to the United States as to any other claims in the action. Provided, however, that the Relator's claims against Anderson Brothers for costs, attorney's fees, and expenses under 31 U.S.C. §3730(d) and for relief from retaliatory actions under 31 U.S.C. §3730(h) shall not be dismissed unless they are settled, adjudicated, or otherwise resolved.

The State will promptly file the above referenced Consent Judgment along with a proposed Order. Once entered by the Court, the Consent Judgment shall constitute a final judgment on those claims brought on behalf of the State pursuant to the Minnesota False Claims Act, Minn. Stat. §§ 15C.01-15C.16, to take effect immediately. Under the terms of the Consent Judgment, however, the Relator's claims against Anderson Brothers for costs, attorney's fees, and expenses under Minn. Stat. § 15C.12 and for relief from

retaliatory actions under Minn. Stat. § 15C.145 shall not be dismissed unless they are settled, adjudicated, or otherwise resolved.

In light of the Agreements among the parties, the United States and the State of Minnesota do not presently intend to file a complaint in intervention, but reserve the right to seek leave to file such a complaint in the event that Anderson Brothers does not pay the full settlement amounts, consistent with the terms of the parties' Agreements.

The United States and the State of Minnesota request that Relator's Complaint, this Notice of Election to Intervene in Part for the Purposes of Settlement, and proposed Order be unsealed promptly. The United States and the State of Minnesota request that all other papers already on file in this action remain under seal because in discussing the content and extent of the United States' and the State of Minnesota's investigations, such papers are provided by law to the Court alone solely for the purpose of evaluating whether the seal and time for making an election to intervene should be extended.

The United States and the State of Minnesota request that the seal be lifted on all matters occurring in this action after the date of the Court's Order on this Notice.

A proposed Order accompanies this Notice.

Dated: March 21, 2025

LISA D. KIRKPATRICK
Acting United States Attorney

YAAKOV M. ROTH
Acting Assistant Attorney General

s/ David W. Fuller

By: DAVID W. FULLER
Assistant U.S. Attorney
Attorney ID No. 390922
David.Fuller@usdoj.gov
ADAM J. HOSKINS
Assistant U.S. Attorney
Attorney ID Number 393157
Adam.Hoskins@usdoj.gov
600 U.S. Courthouse
300 S. Fourth Street
Minneapolis, MN 55415
Phone: 612-664-5600

JAMIE A. YAVELBERG
ROBERT J. MCAULIFFE
DANIELLE M. ROWAN
Attorneys, Civil Division
175 N. St., N.E.
Washington, D.C. 20002
Phone: (202) 305-7726
Email: Danielle.M.Rowan@usdoj.gov

Counsel for the United States of America

KEITH ELLISON
Attorney General
State of Minnesota

s/ Jason Pleggenkuhle
JASON PLEGGENKUHLE
Assistant Attorney General
Atty. Reg. No. 0391772
jason.pleggenkuhle@ag.state.mn.us
Office of the Minnesota Attorney General
445 Minnesota Street, Suite 600
St. Paul, Minnesota 55101

Counsel for the State of Minnesota